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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/262,056	03/04/1999	JEFFREY ALLEN SMITH	T8464287US	8809

7590 03/24/2004

GOWLING STRATHY AND HENDERSON  
SUITE 4900  
COMMERCE COURT WEST  
TORONTO, M5L1J3  
CANADA

EXAMINER

HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
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2672

14

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/262,056

**Applicant(s)**

JEFFREY SMITH ET AL.

**Examiner**

Chante Harrison

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

1. This action is responsive to communications: Amendment C, filed on 2/28/03 and Petition to Revive granted 3/7/03.
2. Claims 1-6, 10-14 are pending in the case. Claims 1, 10 and 12 are independent claims. Claims 7-9 have been canceled.

***Allowable Subject Matter***

1. The indicated allowability of claim 10 is withdrawn in view of the reference(s) to Elliot et al., U.S. Patent 5,764,241, 6/1998. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

1 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Barrus et al., U.S. Patent 6,058,397, 5/2000, and further in view of Kamen et al., U.S. Patent 5,812,141, 9/1998.

As per independent claim 1, Barrus discloses receiving predefined output (col. 19, 11. 13-20), parsing the output to identify a texture, evaluating each texture in terms of a corresponding parameter defined in the output to obtain a corresponding texture output (col. 19-20, 11. 45-14), rendering the output (col. 10, 11. 53-54). Barrus fails to disclose a texture expression, which is disclosed by Kamen (col. 2, 11. 40-53). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosure of Kamen with Barrus because Kamen teaches rendering a variety of textures represented by either an array or a mathematical function in a computer

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network (col. 2, 11. 40 et seq.; col. 4, 11. 35 et seq.) and Barrus teaches storing primitives as matrices and applying one of multiple corresponding texture maps to each primitive (col. 8, 11. 1-7; col. 15-16, 11. 65- 10; col. 18, 11. 24-32), which allows textures to be associated mathematically.

As per dependent claims 2 and 11, Barrus discloses the corresponding parameter comprising pixel coordinates (col. 12, 11. 27-33), as does Kamen (col. 5, 11. 35-53).

As per dependent claim 3, Barrus discloses display coordinates (col. 7, 11. 30-35; col. 15, 11. 42-47), as does Kamen (col. 5, 11. 40-44).

As per dependent claims 4 and 13, Barrus discloses the coordinates expressed with respect to the region of the display to which the texture is to be applied (col. 7, 11. 30-50; col. 19, 11. 45-65), as does Kamen (col. 6, 11. 20 et seq.).

As per dependent claim 5, Barrus discloses the texture expression producing an image texture and evaluating the expression for each color value of the colorspace (col. 8, 11. 18; col. 10, 11. 40-61) as does Kamen (col. 5, 11. 34-43).

As per dependent claim 6, Barrus fails to specifically disclose an RGB colorspace, which is disclosed by Kamen (col. 5, 11. 42). However Barrus teaches

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modifying the database that defines the virtual environment to be transmitted to the format of the receiving renderer (col. 7, 11. 23-27; col. 8, 11. 1-8; col. 9, 11. 7-1; col. 9-10. 11. 64-9).

As per independent claim 7, Barrus discloses the predefined output is an html document (col. 19-20). The rejection as applied to claim I is included herein.

As per dependent claim 8, Barrus discloses an audio texture (col. 13, 11. 55-57; col. 20, 11. 55-59), which Kamen fails to specifically disclose. However it would have been obvious to combine the disclosures of Kamen and Barrus because both evaluate texture parameters.

As per independent claim 12, Barrus discloses a system (FIG. 20) for implementing the method of claim 1. Therefore the rejection as applied to independent claim I is included herein.

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus and Kamen as applied to claim 12 above, and further in view of Elliot et al., U.S. Patent 5,764,241, 6/1998.

As per dependent claim 14, Barrus discloses an audio texture (col. 13, 11. 55-57; col. 20, 11. 55-59) but fails to disclose the corresponding parameter is time-based, which is disclosed by Elliot (col. 8, 11. 19-37), as is an audio texture (col. 8, 11. 23-26).

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Kamen fails to disclose both features. It would have been obvious to combine the disclosures of Barrus and Elliot because Elliot fulfills browser requests and manipulates Hypertext files including audio using user defined data to prepare multiple visual output presentations from multiple input formats (col. 7-8) as does Barrus (col. 19-20) and to further combine their disclosures with that of Kamen who teaches rendering at a desired quality textures calculated from mathematical functions.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al., U.S. Patent 6,058,397, 5/2000, and further in view of Elliot et al., U.S. Patent 5,764,241, 6/1998.

As per independent claim 10, Barrus discloses receiving predefined output (col. 19, 11. 13-20), Barrus discloses the predefined output is an html document (col. 19-20), parsing the output to identify a texture, evaluating each texture in terms of a corresponding parameter defined in the output to obtain a corresponding texture output (col. 19-20, 11. 45-14), rendering the output (col. 10, 11. 53-54) and an audio texture (col. 13, 11. 55-57; col. 20, 11. 55-59).

Barrus fails to disclose a texture expression, a corresponding parameter that is time-based, and the time-based parameter comprises an elapsed time from a user interface event.

Elliot discloses a texture expression (col. 50, ll. 29), an audio texture (col. 8, 11. 23-26), with an evaluation parameter that is time-based (col. 8, 11. 19-37) and the time-

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based parameter comprises an elapsed time from a user interface event (col. 4-5, ll. 66-8; col. 8, ll. 25-34).

Elliot fulfills browser requests and manipulates Hypertext files including audio using user defined data to prepare multiple visual output presentations from multiple input formats (col. 7-8) as does Barrus (col. 19-20). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Elliot's disclosure of a texture expression with an evaluation parameter that is time-based and the time-based parameter comprises an elapsed time from a user interface event with the disclosure of Barrus because Barrus teaches providing texture in various forms to accommodate the characteristics of a target machine when applying 3D textures in a virtual reality environment (col. 3, ll. 30-50), with the environment being modifiable over time (col. 6, ll. 45-47).

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 10 have been considered but are moot in view of the new ground(s) of rejection.



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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 703-305-3937. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Chante Harrison  
Examiner  
Art Unit 2672

February 10, 2004

  
MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600